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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,705	12/01/2000	Eugene Owen JR.	36968-195514	4891

7590 07/16/2003

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EXAMINER
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JASMIN, LYNDIA C

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/728,705

Applicant(s)

OWEN, EUGENE

Examiner

Lynda Jasmin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Amendment May 9, 2003 has been acknowledged.

***Specification***

2. The disclosure is objected to because of the following informalities: the term "Carrier" is a generic terminology and should be used as such.

Appropriate correction is required.

3. Claims 1, 5, 7, 10-16 and 21-23 are objected to because of the following informalities: the terms "Carrier(s)" "Billed data" "Unbilled data" and "Error data" recited in these claims are generic terms therefore should not be capitalized.

4. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 16, the recitations "the total amount of accounts receivable" "the total amount of pre-processed accounts receivable" and "the total amount of processed accounts receivable" lacks proper antecedent basis.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. As best understood, claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crooks et al. (5,943,656).

Crooks et al. disclosed a method and system of automatically tracking and balancing account receivable data as claimed with the steps of:

submitting a billing data file (via billing information) to a processing entity (host system) the billing data file having customer account records representing accounts receivable (bills for payment by billable entities such as an individual or a company) for a given carrier (billing entities such as providers of electricity, water, sewage, natural gas and/or other related goods or services or processes),

determining each of the customer account records (via a consolidated table) as one of at least two tracking data sets based on pre-defined criteria (such as billing date, past due date billing period begin and end dates),

computing the total amount of accounts receivable located in each tracking data set related to the given carrier (via consolidated amount that is to be paid to each billing entities),

comparing the total amount of pre-processed accounts receivable related to the given carrier (via estimation based on historical billing) to the total amount of processed

accounts receivable related to said carrier (to the actual bill for payment by each customer to a particular utility provider),

Crooks et al. also discloses the customer account records have a unique means to identify the carrier that generated the customer account record (via utility account number). The customer account records further have the amount payable for services rendered by the carrier (via current charges). The customer account records further have the billing cycle in which the customer account is payable (via billing period). The billing cycle is the criteria used to separate the customer account records into the tracking data sets (via col. 5, line 36-38). The tracking data sets include a billed and unbilled data set where the billed data set comprises customer account records with accounts payable in the current and future billing cycle (via relevant billing information).

In a further embodiments, Crooks et al. discloses establishing an agreement between a plurality of carriers and a processing entity, the carriers agreeing to submit billing data files to the processing entity and the processing entity agreeing to process the billing data files and remit payment to carriers (via clearing settlement services; col. 9, lines 59-67 and col. 10, lines 1-18).

Crooks et al. fails to explicitly disclose a discrepancy report and settlement report being created for a carrier. However, Crooks et al. discloses an audit process (reconciliation device) to ensure that the billing information is accurate prior to providing each customer with remote electronic access. Crooks et al. also discloses information such as accounts/payable information can be processed and electronically downloading. Thus, it would have been obvious to one of ordinary skill in the art at the

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time the invention was made to have provided auditing process of Crooks et al. to create discrepancy report and settlement report for carrier in order to facilitate rapid and accurate remedial processing for rectifying bills if needed.

### ***Response to Arguments***

9. Applicant's arguments, see pages 8-10, filed May 9, 2003, with respect to the rejection(s) of claim(s) 1-23 under 35 USC 102 and 103 rejections have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of Crooks et al. with a host system receiving billing information from service provider, scrutinized the information for accuracy and present the bills to billable entities.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pickering (5,483,445), Lamm (6,078,907), Steury et al. (2002/0007327 A1),


Owen, Jr. (2002/0103808 A1), Savage et al. (2002/0026394 A1) are further cited for disclosing method of consolidating bills.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda C Jasmin whose telephone number is (703) 305-0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

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The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1113.

  
Lynda C. Jasmin  
Examiner  
Art Unit 3627

lj  
July 14, 2003